

REMARKS/ARGUMENTS

This application has been carefully reviewed in light of the Non-Final Office Action dated December 16, 2005. Claims 1-13 are currently pending in the application. Further review is requested in light of the following remarks.

Claims 1-13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Bohm et al. (5,230,940) in view of Beggs et al. (4,384,020). This rejection is respectfully traversed.

Claim 1 recites a process for making a noise absorber carpet. The process includes the steps of forming a resinous backing layer portion; perforating the resinous backing layer portion; and heat bonding the perforated resinous backing layer portion with a fabric layer portion.

Böhm et al. discloses a sheet-form textile material for lining noise-affected rooms. The textile material includes a backing layer 1 of felt, tufts 2, a layer 3 of foamed latex, an impermeable barrier layer 4, and a sound-insulating foamed back-coating 5. Böhm et al. does not disclose the steps of forming a non-perforated/solid resinous backing layer portion and then perforating the resinous backing layer portion. In fact, Böhm et al. does not teach perforating any portion of the textile material. Further, Böhm et al. does not teach heat bonding the perforated layer to a fabric layer portion. Instead, Böhm et al. teaches the step of applying a latex foam to the back of a carpet by means of a roller

coater and then drying the coat with hot air. Column 6, lines 25-29. Böhm et al. teaches away from the claimed process of forming, perforating, and heat bonding to a fabric layer.

Beggs et al. discloses a honeycomb noise attenuating panel 8 including a honeycomb core 10 and facing sheets 14 and 16. The facing sheets may be made of aluminum, stainless steel, iron, titanium, and the like, and have a thickness sufficient to carry structural loads commonly encountered, for example in jet engines. Column 1, lines 54-65. One of ordinary skill in the art of textiles would not look to rigid noise absorbers like that described in Beggs et al. in order to address the problem of absorbing noise in carpet. Furthermore, the panel of Beggs et al. does not include a resinous backing layer with perforations, and does not cure the failure of Böhm et al. to teach the step of forming a resinous backing layer and then perforating the backing layer. Accordingly, it is submitted that Böhm et al. in view of Beggs et al. fails to teach every element of claim 1, and the rejection should be withdrawn.

Claim 6 recites a system for making a noise absorber carpet. The system includes a fabric feeder roll, a backing roll, at least one resin feeder which feeds a resinous backing material in a sheet form onto the backing roll, and a perforation roll having perforation pins thereon which perforates the resinous backing material on the backing roll. Neither Böhm et al. or Beggs et al. disclose a system for making noise absorber carpet, as recited.

Böhm et al. teaches applying a latex foam to the back of a carpet by means of a roller coater, drying the latex foam, applying a finish coat, drying the finish coat, and then compressing the carpet with cooled rolls. Böhm et al. does not teach a system that has

a fabric feeder roll, a backing roll, resin feeder, and a perforation roll. Additionally, Böhm et al. does not teach the steps of applying a resinous material in sheet form onto a backing roll, and then perforating the resinous material on the backing roll with the perforation roll.

Beggs et al. discloses a panel. The panel is made of materials suitable for supporting loads. Beggs et al. does not disclose a system having a fabric feeder roll, a backing roll, a resin feeder, and a perforation roll, nor does it teach the steps of applying a resinous material in sheet form onto a backing roll, and then perforating the resinous material on the backing roll with the perforation roll. It would not be practical to form the panel of Beggs et al. using rolls, as recited in claim 6, due to the structure of the panel (i.e. honeycomb) and the types of materials being used. Accordingly, the combination of Böhm et al. and Beggs et al. does not render claim 6 unpatentable, and the rejection should be withdrawn.

Claim 10 recites a system for making a noise absorber carpet having a fabric feeder roll, a backing roll with perforation pins thereon, and at least one resin feeder which feeds a resinous backing material in a sheet form onto the backing roll. As discussed above with respect to claim 6, neither Böhm et al. or Beggs et al. disclose a system having a fabric feeder roll, a backing roll, and at least one resin feeder which feeds a resinous backing material in sheet form onto the backing roll. Additionally, they do not teach a system having a backing roll with perforation pins thereon. Accordingly, the rejection should be withdrawn.

The Examiner has stated, "without the disclosure of unexpected results, it is the examiner's position that the specific perforating and bonding techniques claimed by the applicant are well-known and conventional in the art and would have been obvious to employ in the process and system of Bohm in order to facilitate production of the textile materials." The Examiner has not provided any documentary evidence in support of this statement.

It would not have been well-known to use in the process and system of Böhm et al. Böhm et al. uses a latex foam that is roller coated onto the fabric and then dried. This process would result in the latex foam and fabric being bonded together. Thus, it would not have been obvious to use heat bonding in the process and system of Böhm et al.

Any rejection based on assertions that a fact is well-known or is common knowledge in the art without documentary evidence to support the examiner's conclusion should be judiciously applied. Any facts so noticed should be of notorious character and serve only to "fill in the gaps" in an insubstantial manner which might exist in the evidentiary showing made by the examiner to support a particular ground for rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based. *In re Zurko*, 258 F.3d 1379, 1386 (Fed. Cir. 2001); *In re Ahlert*, 424 F.2d 1088, 1092 (CCPA 1970).

If the Examiner still believes that the perforating and bonding techniques are well-known and obvious to employ in the process and system of Böhm et al., the Examiner is invited to submit any documentary evidence in support of his belief.

Claims 2-5 depend from independent claim 1, and are thus believed to be allowable for the reasons stated above. Additionally, claim 2 recites the step of spiking the resinous backing layer. Böhm et al. and Beggs et al. do not teach, individually or in combination, the step of spiking.

Claim 3 recites that the steps of perforating and heat bonding are performed concurrently. Böhm et al. and Beggs et al. do not teach, individually or in combination, the steps of perforating and heat bonding concurrently.

Claim 4 recites that the steps of spiking, perforating, and heat bonding are performed concurrently. Böhm et al. and Beggs et al. do not teach, individually or in combination, the steps of spiking, perforating, and heat bonding concurrently.

Claims 7-9 depend from independent claim 6, and are thus believed to be allowable for the reasons stated above. Additionally, claim 8 recites that the backing roll includes spike depressions. Neither Böhm et al. or Beggs et al. disclose a backing roll with spike depressions.

Claims 11-13 depend from independent claim 10, and are thus believed to be allowable for the reasons stated above.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the rejections is requested. Allowance of claims 1-13 at an early date is solicited.

If there are any fees due in connection with this matter, please charge Applicant's Deposit Account No. 01-0265.

Respectfully submitted,

/ Brandon Trego /

Brandon C. Trego
Attorney for Applicant
Reg. No. 53,702

Brandon C. Trego
ADAMS EVANS P.A.
2180 Two Wachovia Center
Charlotte, North Carolina 28282
Tel. 704-375-9249
Fax: 704-375-0729
e-mail: bct@adamspat.com